

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MICROSOFT CORPORATION,

VS.

AMES HOLDING CORPORATION,
d/b/a Hill Country Computer,
TERRENCE AMES

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Case No. 4:08cv396
(Judge Schneider/Judge Bush)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On September 14, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Default Judgment should be denied and Defendants' Motion to Set Aside Clerk's Entry of Default Judgment should be granted and the clerk's entry of default should be vacated.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Plaintiff's Motion for Default Judgment (Dkt. #38) is

DENIED and Defendants' Motion to Set Aside Clerk's Entry of Default Judgment (Dkt. #39) is GRANTED, and the Clerk's Default vacated.

IT IS SO ORDERED.

SIGNED this 6th day of October, 2009.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE